

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LUANN PARKER,)	
)	Case No. C-1-00-766
Plaintiff,)	
)	Judge Susan J. Dlott
v.)	
)	DEFENDANT AVENTIS PASTEUR INC.'S
AVENTIS S.A., et al.,)	UNOPPOSED MOTION FOR EXTENSION
)	OF TIME TO FILE REPLY BRIEF
Defendants.)	IN SUPPORT OF MOTION FOR SUMMARY
)	JUDGMENT

Defendant Aventis Pasteur Inc. ("Aventis" or "Defendant") respectfully moves the Court for an order granting it an extension of time to file its reply brief in support of its Motion for Summary Judgment for the reasons described below.

This is a product liability action in which Plaintiff, Luann Parker, has alleged that she was vaccinated with Defendant's FLUZONE influenza vaccine and subsequently suffered from a rare neurological disorder known as acute disseminated encephalomyelitis (ADEM). Aventis moved the Court for summary judgment on June 1, 2004 on the ground that Ms. Parker was not able to come forward with reliable expert testimony demonstrating that the FLUZONE vaccine is capable of causing ADEM, and in fact, caused Ms. Parker to suffer from ADEM.

After obtaining two extensions, with Defendant's consent, Ms. Parker responded to Aventis' Motion for Summary Judgment approximately 120 days after it was filed, on September 24, 2004. In her response, Ms. Parker attempts to manufacture a question of fact where none exists by relying upon the affidavit of an expert witness (Dr. Griesemer) that contradicts and expands upon testimony that he gave during a deposition taken prior to Defendant's moving for summary judgment.

Defendant needs additional time to prepare its reply brief in support of its Motion for Summary Judgment because doing so will require it to consult with its expert witnesses and may even require it to redepose Dr. Griesemer in order to address the statements that he made in his affidavit.

Accordingly, Defendant Aventis Pasteur respectfully moves the Court for an order granting it leave to file a reply brief in support of its Motion for Summary Judgment through Friday, December 10, 2004. Defendant's counsel advised Plaintiff's counsel that it would be moving the Court for this extension and was advised that Plaintiff consented to this request.

Respectfully submitted,

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Counsel for Defendant Aventis Pasteur Inc.

CERTIFICATE OF SERVICE

The undersigned attorney for Aventis certifies that a copy of the foregoing Defendant Aventis Pasteur Inc.'s Unopposed Motion for Extension of Time to File Reply Brief in Support of Motion for Summary Judgment was served via the Court's electronic filing system upon Firooz T. Namei, Esq., and Roger W. Weseli, Esq., McKinney & Namei Co., L.P.A., 15 East Eighth Street, Cincinnati, Ohio 45202, this 4th day of October, 2004.

/s/ Michael A. Snyder

An Attorney for Defendant Aventis Pasteur Inc.